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3 MERYL POMPONIO,
4 Plaintiff,
5 v.
6 JOSE HERNANDEZ, et al.,
7 Defendants.

8 Case No. [20-cv-07545-TSH](#)
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12 **ORDER TO SHOW CAUSE**

13 On October 27, 2020, Plaintiff Meryl Pomponio filed this complaint against Jose and
14 Graciela Hernandez, alleging violations of the ADA. To date, no proof of service of the summons
15 and complaint has been filed. “If a defendant is not served within 90 days after the complaint is
16 filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action
17 without prejudice against that defendant or order that service be made within a specified time.”
18 Fed. R. Civ. P. 4(m). Accordingly, the Court **ORDERS** Plaintiff to show cause, in writing and no
19 later than February 9, 2021, why this case should not be dismissed for failure to serve within the
20 time required by Rule 4(m). Notice is hereby provided that failure to file a written response will
21 be deemed an admission that Plaintiff do(es) not intend to prosecute, and the case will be
22 dismissed without prejudice. Thus, it is imperative the Court receive a written response by the
deadline above.

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24 **IT IS SO ORDERED.**

25 Dated: January 26, 2021

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THOMAS S. HIXSON
United States Magistrate Judge